

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

David Papenhausen,	)	Civil No.
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ConocoPhillips Company, and	)	
Burlington Resources Oil & Gas Company	)	
LP, individually, and d/b/a Burlington	)	
Resources Oil & Gas LP,	)	
	)	
Defendants.	)	

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**Notice of Removal of a Civil Action Under 28 U.S.C. § 1441**

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Defendant, by and through its undersigned counsel, hereby removes this action from the State of North Dakota, County of Dunn, District Court for the Southwest Judicial District, to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

**OVERVIEW**

1. This action is removable under section 1441 of title 28 of the United States Code. The United States District Court has original jurisdiction of this case under section 1332 of title 28 of the United States Code. Diversity of citizenship exists and the amount in controversy exceeds \$75,000 excluding interest and costs.

2. A copy of all process, pleadings, and orders served upon the moving defendant are attached hereto as Exhibit A. The individual documents that comprise Exhibit A were electronically transmitted directly to the United States District Court new case email link, [ndd\\_clerksoffice@ndd.uscourts.gov](mailto:ndd_clerksoffice@ndd.uscourts.gov). Copies of those documents, along with a copy of this notice of removal, were served on plaintiff's counsel electronically and by U.S. Mail.

3. Plaintiff David Papenhausen is claiming Defendants ConocoPhillips Company and Burlington Resources Oil & Gas Company LP d/b/a Burlington Resources Oil & Gas LP caused him physical and emotional injuries when he fell into a trench/hole that was hidden from sight by a crust of ice and snow. Plaintiff's claims against defendants are stated in full in the Complaint, which is attached as Exhibit A.

4. Defendant ConocoPhillips Company is a citizen of Texas. Defendant ConocoPhillips Company is a corporation that was incorporated in Delaware, and its principal place of business is located in Houston, Texas.

5. Defendant Burlington Resources Oil & Gas Company LP d/b/a Burlington Resources Oil & Gas LP is a citizen of Texas. Defendant Burlington Resources Oil & Gas Company LP is a limited partnership. Defendant Burlington Resources Oil & Gas Company LP is wholly owned by Burlington Resources Oil & Gas GP LLC and Burlington Resources Oil & Gas LP LLC. Both Burlington Resources Oil & Gas GP LLC and Burlington Resources Oil & Gas LP LLC are citizens of Texas. Both Burlington Resources Oil & Gas GP LLC and Burlington Resources Oil & Gas LP LLC are both incorporated in Delaware, and both have a principal place of business in Houston, Texas. Both Burlington Resources Oil & Gas GP LLC and Burlington Resources Oil & Gas LP LLC are wholly owned by Burlington Resources LLC. Burlington Resources LLC is incorporated in Delaware, and has a principal place of business in Houston, Texas. Burlington Resources LLC is wholly owned by ConocoPhillips Company.

5. According to the Complaint, plaintiff David Papenhausen is a citizen of North Dakota. Plaintiff is an individual.

**THIS NOTICE IS TIMELY**

6. The removing party has filed the notice of removal within 30 days of being served with a copy of the summons and complaint, as calculated by Rule 6 of the federal Rules of Civil

Procedure. Defendants ConocoPhillips Company and Burlington Resources Oil & Gas Company LP were served with a copy of the summons and complaint on June 4, 2020. Therefore, this notice is timely under 28 U.S.C. § 1446(b).

**REMOVAL IS PROPER**

7. Based on the foregoing allegations, there is complete diversity between the plaintiff and the defendants. Also, the amount in controversy exceeds \$75,000. Therefore, this Court has original jurisdiction under 28 U.S.C. § 1332.

8. Because this Court has original jurisdiction under 28 U.S.C. § 1332, and defendants in this action are not citizens or residents of the State of North Dakota, removal is proper under 28 U.S.C. §§ 1441 and 1446.

9. As required by 28 U.S.C. § 1446(d), defendants will serve notice of the filing of this notice of removal on the plaintiff. This action has been filed in state court, and defendants have served and filed a copy of this notice of removal on the Dunn County Clerk of Court as well.

10. The removing party has attached copies of all process, pleadings, and orders in the state court action. See Exhibit A.

11. All served defendants have consented to removal.

12. The action was pending in Dunn County, North Dakota. The Western Division of the United States District Court for the District of North Dakota is the proper court for removal.

WHEREFORE, defendants respectfully request that this action be removed from the State of North Dakota, County of Dunn, District Court for the Southwest Judicial District, to the United States District Court for the District of North Dakota, Western Division.

Dated this 30th day of June, 2020.

Pearce Durick <sup>PLLC</sup>

By  <sup>ND 5964</sup>  
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